

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Robert Fletcher Herbert,)	C/A No. 0:14-1090-JFA-PJG
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Warden Larry Cartledge of Perry Correctional)	
Institution SCDC,)	
)	
Defendant.)	

The *pro se* plaintiff, Robert Fletcher Herbert, brings this action pursuant to 42 U.S.C. § 1983 raising issues relating to the conditions of his confinement at the South Carolina Department of Corrections.

Plaintiff has filed a motion for default judgment against the defendant. In response, the defendant confirms he was served on June 11, 2014, making his deadline to timely file an answer by July 1, 2014. The defendant asserts and the docket confirms that his answer was filed on July 1, 2014.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that the plaintiff's motion for default judgment

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

should be denied because it clear that the defendant filed a timely answer to the complaint.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on September 8, 2014. The plaintiff, however, did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and it is incorporated herein by reference.

Accordingly, plaintiff's motion for default judgment (ECF No. 22) is denied. The Clerk shall return this file to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

September 30, 2014
Columbia, South Carolina